

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the States of CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, IOWA, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, WASHINGTON, and WISCONSIN; the DISTRICT OF COLUMBIA, and the CITY OF CHICAGO, *ex rel.* OSWALD BILOTTA,

Plaintiffs and Relator,

-against-

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Defendant.

**11 Civ. 00071 (PGG)**

**NOTICE OF MOTION TO  
DISMISS RELATOR'S THIRD  
AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Third Amended Complaint of Relator Oswald Bilotta filed July 9, 2013, a copy of which is annexed hereto, the accompanying Memorandum of Law and the supporting declaration of Nina M. Dillon, executed December 20, 2013, with exhibits thereto, Defendant Novartis Pharmaceuticals Corporation hereby moves this Court before the Honorable Paul G. Gardephe, United States District Court, Southern District of New York, Courtroom 705, 40 Foley Square, New York, New York, for an order, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), dismissing the Third Amended Complaint of Relator Oswald Bilotta, and granting such other and further relief as the Court deems just and proper.

Dated: December 20, 2013

CRAVATH, SWAINE & MOORE LLP,

by

s/ Rachel G. Skaistis

Rachel G. Skaistis

A member of the Firm

Worldwide Plaza

825 Eighth Avenue

New York, NY 10019

(212) 474-1000

rskaistis@cravath.com

KAYE SCHOLER LLP

Michael A. Rogoff

Manvin S. Mayell

Members of the Firm

425 Park Avenue

New York, NY 10022

(212) 836-8000

*Attorneys for Defendant*

*Novartis Pharmaceuticals Corporation*

TO:

Jeannette A. Vargas

Christopher B. Harwood

United States Attorney's Office

86 Chambers Street

New York, NY 10007

Andrew Gropper

Office of the Attorney General of the State of New York

120 Broadway

New York, NY 10271

James Miller

Shepherd, Finkelman, Miller & Shah, LLP

65 Main Street

Chester, CT 06412

Raymond Liddy  
Deputy Attorney General  
Bureau of Medi-Cal Fraud and Elder Abuse  
California Department of Justice  
1455 Frazee Rd., Ste. 315  
San Diego, CA 92108  
George A. Coddling  
Senior Assistant Attorney General  
Medicaid Fraud Control Unit  
Office of the Attorney General for the State of Colorado  
1525 Sherman Street, 2nd Floor  
Denver, CO 80203

Rob Teitelman  
Office of the Attorney General  
Assistant Attorney General  
55 Elm St.  
Hartford, CT 06106

Tiphany P. Miller  
Deputy Attorney General  
Medicaid Fraud Control Unit  
State of Delaware Department of Justice  
Carvel State Office Bldg., 5th Floor  
820 North French Street  
Wilmington, DE 19801

Elaine Block  
Attorney  
District of Columbia Medicaid Fraud Control Unit  
717 14th Street, NW, Suite 1100  
Washington, DC 20005

Kathleen Von Hoene  
Assistant Attorney General  
Office of the Attorney General for the State of Florida  
Medicaid Fraud Control Unit  
PL-01, The Capitol  
Tallahassee, FL 32399-1050

Victoria Kizito  
Assistant Attorney General  
Georgia Medicaid Fraud Control Unit  
200 Piedmont Ave. SE  
West Tower, 19th Floor  
Atlanta, GA 30334

Michael L. Parrish  
Director  
Hawaii Medicaid Fraud Control Unit  
Office of the Attorney General  
333 Queen Street, 10th Floor  
Honolulu, HI 96813

F. Elizabeth Lepic  
Deputy Bureau Chief  
Medicaid Fraud Bureau  
Office of the Illinois Attorney General  
100 W. Randolph Street, 12th Floor  
Chicago, IL 60601

Rod Reynolds  
Assistant Attorney General  
Iowa MFCU  
Iowa Dept. of Insp & Appeals  
321 E. 12th St.  
Des Moines, IA 50319

Nicholas J. Diez  
Assistant Attorney General  
Medicaid Fraud Control Unit  
Louisiana Department of Justice  
1885 N. Third Street  
Baton Rouge, LA 70802

Shelly Martin  
Assistant Attorney General  
Medicaid Fraud Control Unit  
Maryland Office of the Attorney General  
200 St. Paul Place, 18th Fl.  
Baltimore, MD 21202

Joshua H. Orr  
Assistant Attorney General  
Medicaid Fraud Division  
Massachusetts Office of the Attorney General  
One Ashburton Place  
Boston, MA 02114

Deborah Harper  
Assistant Attorney General  
State of Michigan  
Health Care Fraud Division  
2860 Eyde Parkway  
East Lansing, MI 48823

Chuck Roehrdanz  
Director  
Medicaid Fraud Control Unit  
Minnesota Office of the Attorney General  
445 Minnesota Street #1200  
St. Paul, MN 55101

Kenneth E. Varns  
Assistant Attorney General  
Montana Department of Justice  
Medicaid Fraud Control Unit  
215 N. Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

Donna Rohwer  
Deputy Attorney General  
Medicaid Fraud Control Unit  
Nevada Office of the Attorney General  
555 East Washington Avenue, Ste. 3900  
Las Vegas, NV 89101

Karin Eckel  
Director  
Medicaid Fraud Control Unit  
New Hampshire Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301-6397

Josh Lichtblau  
Assistant Attorney General  
New Jersey Medicaid Fraud Control Unit  
New Jersey Office of the Attorney General  
25 Market Street  
P.O. Box 094  
Trenton, NJ 08625-0094

Jody R. Curran  
Director  
Medicaid Fraud Control Unit  
New Mexico Office of the Attorney General  
111 Lomas Blvd. NW, Suite 300  
Albuquerque, NM 87102

Charles Hobgood  
Special Deputy Attorney General  
Director, Medicaid Investigations Division  
North Carolina Department of Justice  
5505 Creedmoor Road, Suite 300  
Raleigh, NC 27612

Niki Batt  
Assistant Attorney General  
Medicaid Fraud Control Unit  
Oklahoma Office of Attorney General  
313 NE 21st Street  
Oklahoma City, OK 73105

James F. Dube  
Assistant Attorney General  
Director, Medicaid Fraud Control and Patient Abuse Unit  
Rhode Island Department of Attorney General  
150 South Main Street  
Providence, RI 02903

Tim Harlan  
Assistant Attorney General  
Medicaid Fraud and Integrity Division  
Tennessee Office of the Attorney General  
P.O. Box 20207  
Nashville, TN 37202-0207

Kerry Ascher  
Assistant Attorney General  
Civil Medicaid Fraud Division  
Office of the Attorney General for the State of Texas  
P.O. Box 12548  
Austin, TX 78711-2548

Kimberly M. Bolton  
Assistant Attorney General  
Medicaid Fraud Control Unit, Civil Investigations Squad  
Virginia Attorney General's Office  
900 East Main Street  
Richmond, VA 23219

Michelle Teed  
Assistant Attorney General  
Medicaid Fraud Control Unit  
P.O. Box 40114  
Olympia, WA 98504

Thomas L. Storm  
Assistant Attorney General  
Director, Medicaid Fraud and Elder Abuse Unit  
Wisconsin Department of Justice  
P.O. Box 7857  
Madison, WI 53708-7857